

AGENDA

COLORADO SUPREME COURT ADVISORY COMMITTEE ON RULES OF CRIMINAL PROCEDURE

**Friday, October 17, 2025, 12:45 p.m.
Ralph L. Carr Colorado Judicial Center
2 E. 14th Ave., Denver, CO 80203
Fourth Floor, Supreme Court Conference Room**

- I. Call to Order
- II. Approval of Minutes from July 18, 2025, Meeting
- III. Announcements from the Chair
- IV. Business
 - A. Legislative Subcommittees
 - a. HB23-1187 and Crim. P. 35 (Judge Vigil, Karen Taylor, and Kevin McReynolds)
 - B. Crim. P. 37 and 37.1 Following Changes to C.A.R. 10 (Judge Harris)
 - C. Crim. P. 16 – Attorney Request to Update Language for Modern Forms of Communication and CDAC Request (Judge Malone, Magdalena Rosa, and Kevin McReynolds)
 - D. Removal of Gendered Language (Judge VanGilder) – are we ready to vote?
- V. Future Meetings: **January 16, April 17, July 17, October 16**
- VI. Adjourn

NOTICE

**ANYONE WISHING TO INQUIRE ABOUT AN AGENDA ITEM
MAY CONTACT THE CHAIRPERSON OF THE COMMITTEE,
JUDGE ELIZABETH L. HARRIS, AT 720-625-5330.**

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
Minutes of Meeting**

Friday, July 18, 2025

A quorum being present, the Colorado Supreme Court's Advisory Committee on the Rules of Criminal Procedure was called to order by Judge Elizabeth Harris at 12:45 pm in the Supreme Court Conference Room. Members present at or excused from the meeting were:

Name	Present	Excused
Judge Elizabeth Harris, Chair	X	
Christian Champagne	X	
Johanna Coats	X	
Judge Kandace Gerdes	X	
Abe Hutt	X	
Judge Chelsea Malone	X	
Kevin McGreevy	X	
Kevin McReynolds		
Judge Dana Nichols	X	
John Lee	X	
Magdalena Rosa	X	
Karen Taylor		X
Judge Lindsay VanGilder	X	
Judge Vincente Vigil	X	
Karen Yacuzzo (non-voting participant)		X

I. Attachments & Handouts

- A. July 18, 2025 agenda
- B. April 18, 2025 draft minutes

II. Approval of Minutes

April 18, 2025 minutes were approved as submitted.

III. Announcements from the Chair

Chair Judge Harris stated that the committee should have received a letter regarding an amendment to Rule 16. Since there is already a subcommittee on this rule, that group will consider this proposal at the same time.

IV. Business

A. Legislative Subcommittees

i. SB23-254 (Abe Hutt, Judge VanGilder, and Christian Champagne)

In January, the committee had discussed the subcommittee's initial proposal. Following that, the subcommittee incorporated the committee's suggestions into

this new proposed rule that adopts the legislative language. The committee voted unanimously to send the proposal to the court.

ii. HB23-1187 (Judge Vigil, Karen Taylor, and Kevin McReynolds)

The previous version of the subcommittee generally agreed that it may be necessary to change the reconsideration rule with respect to this legislation. The subcommittee will send out a previously prepared memo to the committee prior to the next meeting.

B. Crim. P. 37 and 37.1 (Judge Harris and Johanna Coats)

Judge Harris presented a proposal for the committee's consideration following a request from various clerks to amend Rule 37 to align more closely with C.A.R. 10. Judge Harris presented a draft, and after comments from the committee, will seek clarification on clerks' practices throughout the state before submitting a revised proposal.

C. Gendered Language in the Rules

Judge VanGilder removed gendered language from the rules. Because it was such a large task, the rest of the committee will fully consider the proposal and send in edits, if necessary.

D. Crim. P. 16 – Attorney Request to Update Language for Modern Forms of Communication (Judge Harris)

The committee received a request for an amendment to Crim. P. 16 to expand the definition of "statements" and "documents" to include electronic forms of communication. This subcommittee will also consider a proposal from CDAC. The subcommittee will meet again before providing any updates.

E. Crim. P. 35(c) (Judge Gerdes, Johanna Coats, and Karen Taylor)

The subcommittee is circulating proposals among themselves and will provide an update to the committee at the next meeting.

The committee adjourned at 2:19 pm.

II. Future Meetings

October 17, January 16, April 17, July 17, October 16

To: Crim P. Rules Committee

RE: Review of HB23-1187

I reviewed the current rules in light of HB23-1187, the Alternatives in the Criminal Justice System for Pregnant Persons, to consider whether an amendment to the rules may be necessary or helpful to implement the mandates of the statute. On my review, the rules that are potentially implicated are Rule 32, regarding sentence and judgment, Rule 35, regarding post-conviction remedies, and Rule 46, regarding bail. In sum, it is my opinion that the rules implicated that address matters up to and including sentencing do not need modification, as the statute adds factors for courts to consider when making bond or sentencing decisions and augments procedures regarding bond and sentencing decisions but it does not materially alter the procedures for making bond and sentencing decisions. However, the committee may want to consider a modification to Rule 35(b), as HB23-1187 provides, in part, for a post-conviction return to incarceration that is outside of the timeframe and scope of the current Rule 35(b), where a court must order the separation of a person from their one-year old child without a mechanism to address whether that remains appropriate.

Rule 32 concerns matters related to sentence and judgment. Rule 46 concerns the setting of bond. It does not appear that the statute contradicts any of the existing language in those rules. While HB-1187 does contemplate the possibility of an evidentiary hearing if the State contests the existence of a pregnancy, it does not appear that such a hearing is incompatible with the procedure regarding sentencing or the setting of bond. I did consider whether Rule 32(e), which concerns criteria for granting probation, required amendment. Ultimately, I do not believe that the criteria in HB-1187 needs to be specifically addressed in the rule, as other statutes which implicate the granting of probation, such as rebuttable presumptions that defendants convicted of certain offenses receive community-based sentences, are not specifically referenced in the rule. Initially I had some concerns that the court would not have the ability to supervise an individual during a post-conviction stay that the statute creates; however, on further review, the bail after conviction provisions of CRS 16-4-201 contemplate stays of execution, and so a court should have a mechanism to impose bond conditions, and thus supervisions conditions, under that statute.

Rule 35 concerns post-conviction remedies. It appears there are some contradictions in HB23-1187, as the statute does not contain the time limitations referenced in the rule for other types of post-conviction motions. Rule 35 addresses corrections of sentences, reconsideration of sentences, and general non-appellate attacks on judgments, but does not address the type of stay or furlough that HB23-1187 contemplates. In some sense, HB23-1187 contemplates a process that is more similar to parole board considerations than traditional court considerations.

There may be room here for a broader conversation as to whether HB23-1187 merits an expansion of Rule 35(b). As things stand now, a person could receive relief under HB23-1187, be released from custody during the pregnancy and postpartum period designated by statute and as a result be well outside of the timeframe for reconsideration of sentence under Rule 35(b). They would then be faced with the prospect of returning to custody and being separated from a very young child without a

mechanism for the court to consider whether the previously imposed sentence remains appropriate. Since originally drafting this memo, I have had a case in which this circumstance arose and the person, unsurprisingly, failed to appear to be remanded back into custody and a warrant was issued. I believe that will be a very common outcome in these scenarios, as I imagine many people would be extremely hesitant to voluntarily separate themselves from their infant.

I would ask the committee to consider whether language should be added to Rule 35(b) allowing a person to seek reconsideration of sentence within 126 days of the expiration of a stay under HB23-1187 so that a court may have some mechanism to address whether the potential separation of a child from their parent is necessary and in the best interest of the child. I have proposed additional language below.

(b) Reduction of Sentence. The court may reduce the sentence provided that a motion for reduction of sentence is filed (1) within 126 days (18 weeks) after the sentence is imposed, or (2) within 126 days (18 weeks) after receipt by the court of a remittitur issued upon affirmance of the judgment or sentence or dismissal of the appeal, or (3) within 126 days (18 weeks) after entry of any order or judgment of the appellate court denying review or having the effect of upholding a judgment of conviction or sentence, or (4) at any time pursuant to a limited remand ordered by an appellate court in its discretion during the pendency of a direct appeal, *or (5) within 126 days (18 weeks) of the expiration of a stay of execution issued pursuant to CRS 18-1.3-103.7.* The court may, after considering the motion and supporting documents, if any, deny the motion without a hearing. The court may reduce a sentence on its own initiative within any of the above periods of time.

RULE 37.1

(a) Grounds. The prosecuting attorney may file an interlocutory appeal in the district court from a ruling of a county court granting a motion made in advance of trial by the defendant for return of property and to suppress evidence, ~~or granting a motion to suppress evidence,~~ or granting a motion to suppress an extra-judicial confession or admission; provided that the prosecuting attorney certifies to the judge who granted such motion and to the district court that the appeal is not taken for purposes of delay and that the evidence is a substantial part of the proof of the charge pending against the defendant.

(b) Filing Notice of Appeal. The prosecuting attorney ~~must~~ shall file the notice of appeal with the clerk of the district court and ~~must~~ shall serve the defendant and the clerk of the trial court with a copy thereof. Such notice of appeal ~~must~~ shall be filed within 14 days of the entry of the order being appealed and any docket fee shall be paid at the time of the filing.

(c) Contents of Record on Appeal. The record for an interlocutory appeal ~~shall~~ consist of the information or charging document, the motions filed by the defendant or defendants, and the grounds stated in section (a) above; ~~a transcript of all testimony taken at the hearing on said motions; and such exhibits or reasonable copies, facsimiles, or photographs thereof as the parties may designate (subject to the provisions in C.A.R. 11(b) pertaining to exhibits of bulk); and the court's order or ruling~~ the order of court ruling on said motions and the date, if one has been fixed, that the case is set for trial or a certificate by the clerk that the case has not been set for trial. The record shall be electronically transmitted ~~filed~~ within 14 days of the date of filing the notice of appeal, and may be supplemented by order of the district court.

(d) Briefs. Within 14 days after the record has been transmitted to ~~filed in~~ the district court, the prosecuting attorney ~~must~~ shall file an opening brief. Within 14 days after service of the said opening brief, the defendant ~~may~~ shall file an answer brief, and the prosecuting attorney shall have 7 days after service of the said answer brief to file a reply brief.

(e) Disposition of Cause. The district court will decide the appeal by written opinion unless it orders ~~Unless oral argument is ordered by the court and issues an oral ruling it rules~~ on the record and in the presence of the parties, ~~the decision of the court shall be by written opinion,~~ Copies of the written opinion must ~~which shall~~ be transmitted by the clerk of the court ~~by mail~~ to the county court ~~trial~~ judge and to all parties. No petition for rehearing ~~is~~ shall be permitted. A certified copy of the judgment and directions to the county court, and a copy of the written opinion, if any, ~~shall~~ constitute the mandate of the district court, concluding the appeal and restoring jurisdiction to the county court. Such mandate ~~must~~ shall issue and be transmitted by the clerk of the court ~~by mail~~ to the county court ~~trial~~ judge and all parties on the 2nd ~~4th~~ day after the district court's oral or written order, unless the district court is given notice by one of

the parties that it has sought further review by the supreme court upon a writ of certiorari pursuant to the rules of that court, in which case the mandate ~~will~~^{shall} issue upon notification that certiorari has been denied or upon receiving the remittitur of the supreme court.

(f) Time. The time limits herein may only be enlarged by order of the appropriate court before the existing time limit has expired.

(g) If no procedure is specifically prescribed by this rule, the court shall look to the Rules of Appellate Procedure for guidance.

(h) Nothing in this Rule 37.1 shall be construed to deprive the county court of jurisdiction to consider bail issues during the pendency of the interlocutory appeal.

Rule 37 (original)

(a) Filing Notice of Appeal and Docketing Appeal. The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action under simplified procedure to the district court of the county. To appeal the appellant shall, within 35 days after the date of entry of the judgment or the denial of post-trial motions, whichever is later, file notice of appeal in the county court, post such advance costs as may be required for the preparation of the record and serve a copy of the notice of appeal upon the appellee. He shall also, within such 35 days, docket the appeal in the district court and pay the docket fee. No motion for new trial or in arrest of judgment shall be required as a prerequisite to an appeal, but such motions if filed shall be pursuant to Rule 33(b) of these Rules.

(b) Contents of Notice of Appeal and Designation of Record. The notice of appeal shall state with particularity the alleged errors of the county court or other grounds relied upon for the appeal, and shall include a stipulation or designation of the evidence and other proceedings which the appellant desires to have included in the record certified to the district court. If the appellant intends to urge upon appeal that the judgment or a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. The appellee shall have 14 days after service upon him of the notice of appeal to file with the clerk of the county court and serve upon the appellant a designation of any additional parts of the transcript or record which he deems necessary. The advance cost of preparing the additional record shall be posted by the appellant with the clerk of the county court within 7 days after service upon him of the appellee's designation, or the appeal will be dismissed. If the district court finds that any part of the additional record designated by the appellee was unessential to a complete understanding of the questions raised by the appeal, it shall order the appellee to reimburse the appellant for the cost advanced for the preparation of such part without regard to the outcome of the appeal.

(c) Contents of Record on Appeal. Upon the filing of a notice of appeal and upon the posting of any advance costs by the appellant, as are required for the preparation of a record, unless the appellant is granted leave to proceed as an indigent, the clerk of the county court shall prepare and issue as soon as possible a record of the proceedings in the county court, including the summons and complaint or warrant, the separate complaint if any has been issued, and the

judgment. The record shall also include a transcription or a joint stipulation of such part of the actual evidence and other proceedings as the parties designate. If the proceedings have been recorded electronically, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the court, either by him or her or under his or her supervision, within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court. The clerk shall notify in writing the opposing parties of the completion of the record, and such parties shall have 14 days within which to file objections. If none are received, the record shall be certified forthwith by the clerk. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.

(d) Filing of Record. When the record has been duly certified and any additional fees therefor paid, it shall be filed with the clerk of the district court by the clerk of the county court, and the opposing parties shall be notified by the clerk of the county court of such filing.

(e) Briefs. A written brief setting out matters relied upon as constituting error and outlining any arguments to be made shall be filed in the district court by the appellant within 21 days after certification of the record. A copy of the appellant's brief shall be served upon the appellee. The appellee may file an answering brief within 21 days after such service. A reply brief may be filed within 14 days after service of the answering brief. In the discretion of the district court, the time for filing briefs and answers may be extended.

(f) Stay of Execution. Pending the docketing of the appeal, a stay of execution shall be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. Upon a request for stay of execution made any time after the docketing of the appeal, such action may be taken by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts shall remain in effect until after final disposition of the appeal, unless modified by the district court.

(g) Trials de Novo; Penalty Not Increased. If for any reason an adequate record cannot be certified to the district court the case shall be tried de novo in that court. No action on appeal shall result in an increase in penalty.

(h) Judgment; How Enforced. Unless there is further review by the Supreme Court upon writ of certiorari pursuant to the rules of such court, after final disposition of the appeal the judgment on appeal entered by the district court shall be certified to the county court for action as directed by the district court, except in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, and in such cases, the judgment on appeal shall be that of the district court and so enforceable.

(i) Appeals to Superior Court. In counties in which a superior court has been established, appeals from the county court shall be taken to the superior court rather than the district court. All of the provisions of this section governing appeals from the county court to the district court are applicable when the appeal is taken to the superior court, and the term “district court” as used in this section shall be understood to include the superior court.

RULE 37 (proposed amendments)

(a) Filing Notice of Appeal and Docketing Appeal. The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant must, within 35 days after the date the county court enters judgment or denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court; (2) pay any advance costs as may be required or ordered by the court; (3) serve a copy of the notice of appeal on the appellee; and (4) file the notice of appeal in the district court and pay the docket fee. No motion for new trial or other post-trial relief is required as a prerequisite to an appeal, but if any post-trial motion is filed, it must be filed pursuant to Crim. P. 33(b).

(b) Contents of Notice of Appeal and Designation of Transcripts. The notice of appeal must state with particularity the alleged errors of the county court or other grounds relied on for the appeal. Within the time for filing the notice of appeal, the appellant must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal. The appellee has 14 days after service of the notice of appeal to file with the clerk of the county court and serve on the appellant a designation of any additional transcripts that the appellee deems necessary. The court may order the appellant to post the advance cost of any additional transcript designated by the appellee, and, if it does so, the appellant must post the cost within 7 days of the court's order, or the appeal will be dismissed. If the district court later determines that any additional transcript (or severable part thereof) designated by the appellee was unnecessary to resolve the issues on appeal, the appellee must reimburse the appellant for any cost advanced for the preparation of that transcript (or severable part) without regard to the outcome of the appeal.

(c) Contents of Record on Appeal. After the appellant has filed the notice of appeal and the parties have posted any advance costs as required for the preparation of any transcripts, the clerk of the county court will prepare the record on appeal. The record on appeal in all cases consists of (1) all documents,

including all exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event a designated transcript is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of a transcript.

(d) Filing of Record. Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court, and after any additional fees have been paid, the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court. The parties will be notified by the clerk of the county court when the record on appeal is transmitted to the district court.

(e) Briefs. Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out contentions of error and supporting arguments. The appellee may file an answer brief within 21 days after such service and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the answer brief and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing any brief may be extended.

(f) Supplementing the Record on Appeal. After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the county court record is missing or has been mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal.

(g) Stay of Execution. Pending the filing of the appeal, a stay of execution will be granted by the county court upon request. If a sentence of imprisonment has

been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. After the filing of the appeal, a request for stay of execution must be considered and resolved by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts, will remain in effect until after final disposition of the appeal, unless modified by the district court.

(h) Trials de Novo; Penalty Not Increased. If for any reason an adequate record cannot be certified to the district court, the case must be tried de novo in that court. No action on appeal will result in an increase in penalty.

(i) Judgment; How Enforced. Unless the supreme court grants certiorari review under its rules, the judgment on appeal entered by the district court will be certified to the county court for action as directed by the district court. But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, the judgment on appeal is that of the district court and so enforceable.

Rule RULE 37 (original proposed amendments)

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(a) Filing Notice of Appeal and Docketing Appeal. The district attorney may appeal a question of law, and the defendant may appeal a judgment of the county court in a criminal action, under a simplified procedure to the district court of the county. To appeal, the appellant ~~shall~~must, within 35 days after the date ~~of entry of the county court enters~~ judgment or ~~the denial of~~denies any post-trial motions, whichever is later, (1) file a notice of appeal in the county court, ~~post such;~~ (2) pay any advance costs as may be required ~~for or ordered by the preparation of the record and court;~~ (3) serve a copy of the notice of appeal upon on the appellee. ~~He shall also, within such 35 days, docket; and (4) file the notice of~~ appeal in the district court and pay the docket fee. No motion for new trial or ~~in arrest of judgment shall be~~other post-trial relief is required as a prerequisite to an appeal, but ~~such motions if any post-trial motion is filed shall, it must be filed~~ pursuant to RuleCrim. P. 33(b) of these Rules.

(b) Contents of Notice of Appeal and Designation of Record Transcripts. The notice of appeal ~~shall~~must state with particularity the alleged errors of the county court or other grounds relied upon on for the appeal, ~~and shall include a stipulation or designation of the evidence and other proceedings which.~~ Within the time for filing the notice of appeal, the appellant ~~desires to have included in the record certified to the district court. If the appellant intends to urge upon appeal that the judgment or a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion.~~must designate on Form 5 (Designation of Transcripts) all transcripts necessary for resolution of the issues raised on appeal. The appellee ~~shall have~~has 14 days after service ~~upon him~~ of the notice of appeal to file with the clerk of the county court and serve upon on the appellant a designation of any additional ~~parts of transcripts that the transcript or record which he~~appellee deems necessary. The court may order the appellant to post the advance cost of ~~preparing the any~~ additional ~~record shall be posted~~transcript designated by the appellee, and, if it does so, the appellant ~~with the clerk of~~must post the county court cost within 7 days ~~after service upon him of the appellee's designation~~court's order, or the appeal will be dismissed. If the

district court ~~finds~~ later determines that any ~~part of the~~ additional ~~record~~ transcript (or severable part thereof) designated by the appellee was ~~unessential~~ unnecessary to ~~a complete understanding of~~ resolve the questions raised by the issues on appeal, it shall order the appellee to must reimburse the appellant for ~~the~~ any cost advanced for the preparation of ~~such~~ that transcript (or severable part) without regard to the outcome of the appeal.

(c) Contents of Record on Appeal. ~~Upon~~ After the ~~filing of a~~ appellant has filed the notice of appeal and ~~upon the posting of~~ parties have posted any advance costs by the appellant, ~~as are~~ as required for the preparation of ~~a record, unless the appellant is granted leave to proceed as an indigent~~ any transcripts, the clerk of the county court shall will prepare and issue ~~as soon as possible a record of the proceedings in the county court, including the summons and complaint or warrant, the separate complaint if any has been issued, and the judgment.~~ the record on appeal. The record on appeal in all cases consists of (1) all documents, including all exhibits, filed in the county court case as of the date of filing of a notice of appeal or any amended notice of appeal; (2) transcripts designated in accordance with section (b); and (3) any timely filed post-trial motions, responses to those motions, and orders on those motions. In the event a designated transcript is unavailable, the parties may file a statement of the evidence or proceedings with the county court, and the county court must certify a statement of evidence or proceedings in lieu of a transcript.

(d) Filing of Record. ~~shall also include a transcription or a joint stipulation of such part of the actual evidence and other proceedings as the parties designate. If the proceedings have been recorded electronically, the transcription of designated evidence and proceedings shall be prepared in the office of the clerk of the court, either by him or her or under his or her supervision, within~~ Within 42 days after the filing of the notice of appeal or within such additional time as may be granted by the county court. The clerk shall notify in writing the opposing parties of the completion of the record, and such parties shall have 14 days within which to file objections. If none are received, the record shall be certified forthwith by the clerk. If objections are made, the parties shall be called for hearing and the objections settled by the county judge and the record then certified.

~~, and after (d) Filing of Record.~~ When the record has been duly certified and any additional fees therefor have been paid, it shall be filed with the clerk of the county court must certify and electronically transmit the record on appeal to the clerk of the district court by the clerk of the county court, and the opposing. The parties shall will be notified by the clerk of the county court of such filing when the record on appeal is transmitted to the district court.

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(e) Briefs. ~~A~~ Within 21 days after the certified record is transmitted to the district court, the appellant must file in the district court, and serve on the appellee, a written brief setting out matters relied upon as constituting contentions of error and outlining any supporting arguments to be made shall be filed in the district court by the appellant within 21 days after certification of the record. A copy of the appellant's brief shall be served upon the appellee. The appellee may file an answering answer brief within 21 days after such service. and, if filed, the answer brief must be served on the appellant. A reply brief may be filed within 14 days after service of the answering answer brief. and, if filed, the reply brief must be served on the appellee. In the discretion of the district court, the time for filing briefs and answers any brief may be extended.

(f) Stay of Execution. Pending the docketing of the appeal, a stay of execution shall (f) **Supplementing the Record on Appeal.** After the record on appeal is transmitted, the district court, on motion by a party or of its own initiative, may order that a supplemental record be certified and transmitted if any material part of the county court record is missing or has been mistakenly omitted from the record on appeal. A party seeking to supplement the record on appeal must file a motion specifying the name or title of the document, the date the document was submitted to the county court, and the reason the document is necessary to decide the appeal.

(g) Stay of Execution. Pending the filing of the appeal, a stay of execution will be granted by the county court upon request. If a sentence of imprisonment has been imposed, the defendant may be required to post bail, and if a fine and costs have been imposed, a deposit of the amount thereof may be required by the county court. Upon After the filing of the appeal, a request for stay of execution

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~~made any time after the docketing of the appeal, such action may~~must be taken~~considered and resolved~~ by the district court. Stays of execution granted by the county court or district court and, with the written consent of the sureties if any, bonds posted with such courts ~~shall~~will remain in effect until after final disposition of the appeal, unless modified by the district court.

(gh) Trials de Novo; Penalty Not Increased. If for any reason an adequate record cannot be certified to the district court, the case ~~shall~~must be tried de novo in that court. No action on appeal ~~shall~~will result in an increase in penalty.

(hi) Judgment; How Enforced. Unless ~~there is further review by the Supreme Court upon writ of~~supreme court grants certiorari ~~pursuant to the~~review under its rules of such court, after final disposition of the appeal, the judgment on appeal entered by the district court ~~shall~~will be certified to the county court for action as directed by the district court, ~~except~~But in cases tried de novo by the district court or in cases in which the district court modifies the county court judgment, ~~and in such cases,~~ the judgment on appeal ~~shall be~~is that of the district court and so enforceable.

(i) Appeals to Superior Court. ~~In counties in which a superior court has been established, appeals from the county court shall be taken to the superior court rather than the district court. All of the provisions of this section governing appeals from the county court to the district court are applicable when the appeal is taken to the superior court, and the term "district court" as used in this section shall be understood to include the superior court.~~